

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ALEXANDER CASTELLANO-BENITEZ,

Defendants.

4:15CR3114

ORDER

Defendant has moved to continue the pretrial motion deadline, (Filing No. 52), because the defendant and defense counsel need additional time to fully review the discovery received before deciding if pretrial motions should be filed. He also moves to continue his change of plea hearing. (Filing No. 53). Both motions are unopposed.

But the court does not understand, and the defendant has not explained, why a change of plea hearing should be set when the defendant is still investigating the facts and considering whether to file pretrial motions. Based on the showing set forth in the motions, the court finds the motion to continue the pretrial motion deadline should be granted, but the change of plea hearing should be cancelled. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 52), is granted.
- 2) Defendant's motion to continue the change of plea hearing, (Filing No. 53), is granted in part. The change of plea hearing is cancelled.
- 3) As to **both** defendants, pretrial motions and briefs shall be filed on or before March 9, 2016.
- 4) As to **both** defendants, trial of this case is continued pending resolution of any pretrial motions filed.
- 5) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and as to **both** defendants, the additional time arising as a result of the granting of the motion, the time between today's date and March 9, 2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

February 3, 2016.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge